



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825,863	04/16/2004	Donald Schmanski	21689.NP

CONFIRMATION NO. 8189

20551  
 THORPE NORTH & WESTERN, LLP.  
 8180 SOUTH 700 EAST, SUITE 200  
 P.O. BOX 1219  
 SANDY, UT 84070

## FORMALITIES LETTER



\*OC000000013094186\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/17/2004 MBIZUNES 00000052 10825863

FILED UNDER 37 CFR 1.53(b)

01 FC:2001	385.00 OP
02 FC:2051	65.00 OP
03 FC:2202	234.00 OP
04 FC:2201	172.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 13-16.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

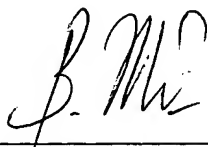
- Additional claim fees of **\$406** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$856** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$406**
  - **\$172** for 4 independent claims over 3.
  - **\$234** for 26 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450



*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 1761

EXAMINER:

APPLICANT: Donald Schmanski

SERIAL NO.: 10/825,863

FILED: April 16, 2004

CONFRM. NO.: 8189

FOR: BREAD IMPALING COOKING  
UTENSIL

ATTORNEY DOCKET NO. 21689.NP

**RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF PATENT  
APPLICATION Filing Date  
Granted**

**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: August 13, 2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Vaughn W. North*  
Vaughn W. North

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

In response to the Notice to File Missing Parts of Application mailed June 28, 2004, please find enclosed herewith the following items for filing in the United States Patent and Trademark Office in connection with the above-identified patent application:

- ☒ A copy of the Notice to File Missing Parts of Application Filing Date Granted.
- ☒ Applicant claims small entity status under 37 CFR 1.9(b) & 1.27(c).
- ☐ An Assignment from the inventors to \_\_\_\_\_.
- ☒ Declaration and Petition.
- ☒ Power of Attorney.
- ☒ Copies of formal drawings 14 pages.
- ☐ A Petition for a \_\_\_\_\_-Month Extension of Time Under 37 CFR 1.136(a).

Response To Notice To File Missing Parts Of Patent Application  
Page 2

The filing fee has been calculated as shown below.

			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE			\$385.00	\$385.00	\$770.00	
TOT. CLAIMS	46-20=	26	x \$9.00 =	\$ 234.00	x \$18.00 =	
IND. CLAIMS	7-03=	4	x \$43.00 =	\$ 172.00	x \$86.00 =	
MULTIPLE DEPENDENT CLAIMS PRESENTED		0	\$145.00		\$290.00	
ASSIGNMENT FILING FEE			\$40.00		\$40.00	
SURCHARGE FEE			\$65.00	\$65.00	\$130.00	
			TOTAL	\$ 856.00	TOTAL	

☒ A check in the amount of \$ 856.00 is enclosed to cover the filing fee (including the surcharge fee).

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 13<sup>th</sup> day of August, 2004.

Respectfully submitted,



Vaughn W. North  
Attorney for Applicant  
Registration No. 27,930

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

VWN/tlt  
Enclosure